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Docket No.: 50103-148

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Zhong (Stella) WU, et al.

Application No.: 09/242,226

Filed: February 10, 1999

Group Art Unit: Unassigned

Examiner: Unassigned

For: MAGNETIC RECORDING MEDIUM WITH PATTERNED SUBSTRATE

PETITION UNDER 37 CFR § 1.181

PCT Legal Office
Commissioner for Patents
Washington, DC 20231

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28 AUG 2001

Legal Staff
International Division

Sir:

This is a petition for supervisory review and a request that the PCT Legal Office enter and consider Applicants' petition under 37 CFR § 1.182 and amendment submitted to the U.S. Patent and Trademark Office on April 22, 1999 in the above-identified patent application.

Factual Background

On February 10, 2001, the above-identified patent application was filed in the U.S. Patent and Trademark Office. The application was filed pursuant to 35 U.S.C. § 371 designating the United States.

In a letter dated February 25, 1999, from the PCT Legal Office, Applicants were notified that the Office could not process the application papers "without an indication of the International application number." Applicants were given two months, or until April 25, 1999, to indicate an international application number. The letter also invited Applicants to file a petition under 37 CFR 1.182, with the requisite \$130 petition fee, (i) requesting that the Patent and Trademark office [sic] treat the identification of the international application number as having

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been provided in the 10 February 1999 papers and (ii) addressing any legal implications which the date of such identification of international application might have on the present application.

A timely response to the letter was filed on April 22, 1999. The response included an amendment identifying International Application No. PCT/US99/02670. The response also included a petition under 37 CFR § 1.182 requesting that the Office treat the identification of the international application number as having been provided in the application papers filed on February 10, 1999. The petition also addressed legal implications of identification of the international application with respect to the present application.

A period of more than 23 months transpired without a response from the Office. On January 16, 2001, a letter of inquiry was sent to the Office seeking information on the status of the application. On May 11, 2001, Applicants' attorneys received a letter from the PCT Legal Office dated May 8, 2001, indicating that the "application cannot be processed by the U.S. Designated/Elected Office because no international application number was provided." A copy of the February 25, 1999 letter from the PCT Legal Office sent to Applicants' attorneys was enclosed with the May 11, 2001 letter.

Discussion

It appears that the amendment and petition under 37 CFR § 1.182 submitted to the Office on April 22, 1999 by Applicants' attorneys may have been lost in the Office. A true and exact copy of the amendment and petition under 37 CFR § 1.182 as filed in the Office are attached to this petition as Exhibit A. As evidence that the amendment and petition were filed in the Office on April 22, 1999, a true and exact copy of the postcard receipt is attached as Exhibit B showing the U.S. Patent and Trademark Office date stamp of April 22, 1999, and identifying the amendment and the petition under 37 CFR § 1.182.

Relief Requested

Petitioner requests that the PCT Legal Office enter the amendment and consider the petition under 37 CFR § 1.182 in the above-identified application. To the extent necessary,

Application No. 09/242,226

please charge any shortage in fees due in connection with the filing of this petition, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT, WILL & EMERY



Cameron K. Weiffenbach
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Docket No.: 50103-148



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Zong (Stella) WU and Rajiv RAJAN	:	PCT LEGAL EXAMINER:
	:	Jennifer D. Bahr
Serial No. 09/242,226	:	
	:	Group Art Unit:
Filed: February 10, 1999	:	
	:	Examiner: Unassigned
For: MAGNETIC RECORDING MEDIUM WITH PATTERNED SUBSTRATE	:	

PETITION UNDER 37 CFR 1.182

Assistant Honorable Commissioner of
Patents and Trademarks
BOX PCT
Washington, D. C. 20231

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Sir:

In response to a Letter dated February 25, 1999 regarding filing the above-identified application Under 35 U.S.C. 371, this is a Petition to request the Patent and Trademark Office to treat the identification of the International Application Number PCT/US99/02670 as having been provided in the February 10, 1999 papers. Authorization is hereby given to charge the \$130.00 Petition Fee to Deposit Account 500417.

This application was originally filed as a provisional application on February 10, 1998. The one year anniversary date for filing a utility application and/or foreign filing the application expired on February 10, 1999. The application was filed as a PCT Application on February 10, 1999 designating the

Serial No. Unassigned

U.S. and simultaneously entered the National Phase in the U.S. on February 10, 1999 in accordance with the client's instructions. Therefore, at the time of entering the National Phase, the PCT number was not known.

We respectfully request that the February 10, 1999 papers be considered complete and that PCT No. PCT/US99/02670 be considered as being provided in a timely manner. This would insure the Applicants priority rights to be uninterrupted.

We submit herewith an Amendment to the specification identifying the PCT Application Number and entry is respectfully requested since no new matter or legal ramifications exist. See *In re Fouche*, 439 F.2d 1237, 169 USPQ 429 (CCPA 1971).

Respectfully submitted,

McDERMOTT, WILL & EMERY



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Docket No.: 50103-148

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Zong (Stella) WU and Rajiv RAJAN : PCT LEGAL EXAMINER:
Serial No. 09/242,226 : Jennifer D. Bahr
Filed: February 10, 1999 : Group Art Unit:
For: MAGNETIC RECORDING MEDIUM WITH PATTERNED SUBSTRATE : Examiner: Unassigned

AMENDMENT

Assistant Honorable Commissioner of Patents and Trademarks
BOX PCT
Washington, D. C. 20231

Sir:

Please amend the above-identified application as follows:

IN THE SPECIFICATION:

Page 1, under Related Application, line 2, after "claims priority from", insert --PCT Application No. PCT/US99/02670, filed February 10, 1999 which claims priority from--.

REMARKS

The above amendment is necessary to complete the related application identification. Entry is respectfully requested since no new matter is introduced.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Arthur J. Steiner
Arthur J. Steiner
Registration No. 26,106

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Date: April 22, 1999/Facsimile: 202-756-8087

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DO NOT ENTER
IMPROPER REFERENCE TO PCT
SEE DECISION BY PCT LEGAL OFFICE



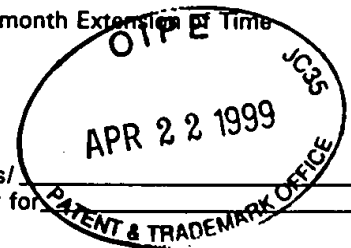


Applicant: Zong (Steven) Wu et al Docket No. 50103-148
Title/Mark: Magnetic Recording Medium With Serial/Reg./Patent No. 091242,226
Date Sent: 4/22/99 ☒ Hand Carried ☐ 1st-Class Mail ☐ Cert. of Mailing ☐ Express Mail No. _____
☐ Transmittal Letter
☐ Utility/Design/Continuation/CIP/FWC/Divisional/PCT
☐ Other: _____
_____ pages of Specification
_____ pages of Claims
_____ pages of Abstract
_____ pages of Formal/Informal Drawings
☐ Information Disclosure Statement
_____ Form PTO 1449
_____ copies of cited references
☐ Preliminary Amendment
☐ Response to Missing Parts Notice
☐ Certified Copy of Priority Doc.
☐ Claim for Convention Priority
☐ Verified Statement of Small Entity Status
☐ Transmittal of Issue Fee: Form PTO 85b _____ Form PTO 85C _____
☐ Maintenance Fee for _____ years after grant
☐ Notice of Appeal ☐ Appeal Brief
☐ Recordation of _____ Patent _____ Trademark: Assignments/Security Agreements/
☐ Response/Amendment to Office Action of _____ ☐ Petition to Commissioner for
☐ Trademark/Service Mark/Intent-To-Use Application
☐ Amendment to Allege Use ☐ Statement of Use
☐ Formal/Informal/Substitute Drawing Sheet
_____ (no. of) Substitute/Specimens
☐ Continued Use Affidavit/Declaration (Section 8 & 15)
☐ Notice of Opposition/Answer to _____
☐ Ex Parte Appeal
☐ Petition for Cancellation/ Answer to _____
☐ Renewal of Reg. No. _____
☐ Combined Declaration/Power of Attorney
☐ Letter of Protest
☐ Request for _____ day/month Extension of Time
Other: Petition Under 37 CFR 1.182
Amendment

Check for \$ _____ ☐ Total Deposit Account charge for \$ 130.00 Attorney: AJS
☐ CHI ☐ WASH 500417

CLO2 Descrip.: (516)

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.



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